

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS  
(Jointly Administered)

**AAFAF'S MOTION TO INFORM REGARDING EXPERT WITNESSES IN  
CONNECTION WITH PLAN OF ADJUSTMENT CONFIRMATION**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) respectfully files this Motion to Inform regarding expert witnesses in accordance with the *Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* (ECF No. 17640) (“Procedures Order”).

**Expert Witness Disclosure and Declaration**

1. Pursuant to the Procedures Order, AAFAF served the Oversight Board with *AAFAF’s Opening Expert Disclosures in Connection with Plan of Adjustment Confirmation* on September 6, 2021 (“Opening Expert Disclosure”), which is attached hereto as Exhibit A. The Opening Expert Disclosure disclosed the “the subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703, or 705” and “a summary of the facts and opinions to which the witness is expected to testify,” as required by FRCP 26(a)(2)(C).

2. The Procedures Order provides that “each Debtor and Eligible Creditor who has timely disclosed the identity of an expert witness in its Opening Expert Disclosures on or before September 6, 2021, shall disclose to the other Debtors and Eligible Creditors, with a copy to the Court and the PSA Parties, its Opening Expert Report(s) on or before September 13, 2021.” Procedures Order ¶ 19 (citing FRCP 26(a)(2)(B)).

3. Because AAFAF disclosed non-retained experts under FRCP 26(a)(2)(C), AAFAF is not required to serve an expert report. *See Downey v. Bob’s Discount Furniture Holdings, Inc.*, 633 F.3d 1, 7 (1st Cir. 2011). Rather, as a supplement to its Opening Expert Disclosure pursuant to Federal Rule of Civil Procedure 26(a)(2)(C), AAFAF hereby files and serves the Declaration of Fernando Batlle, attached hereto as Exhibit B.

Dated: September 13, 2021  
San Juan, Puerto Rico

Respectfully submitted,

**O'MELVENY & MYERS LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Luis C. Marini-Biaggi  
Luis C. Marini-Biaggi